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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,533	06/28/2001	Masaru Sanada	201184/2000	5139

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EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/892,533

**Applicant(s)**

SANADA, MASARU

**Examiner**

Ronald Laneau

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-6 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takekuma et al (US 2005/0027613 A1) in view of Leymann et al (US 6,487,548 B1).

As per claim 1, Takekuma discloses a method for processing formation and sale of merchandise by means a network comprising: appeal public subscription step for listening to the requirements an indefinite number of users via a network in the planning stage of merchandise (see abs), classification step classifying the images and the features of the merchandise based on the collected information in said request collection step, an image disclosure step for disclosing the image and features of said merchandise for each of said group via said network (fig. 28), an agreement decision step for deciding an agreement on various aspects of the merchandise including its prices between the maker and said subscribers following said image disclosure step, manufacture or formation step for executing manufacture formation of said merchandise upon establishment an agreement following said agreement decision step (pages 2-3, [0027]), a progress status disclosure step for disclosing via said network the progress status for each milestone of successive manufacture formation steps, and sale step for selling said merchandise

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to said subscribers in the stage of completion merchandise (col. 21, [0278]). Takekuma does not disclose a request collection step for forming groups of subscribers for the plan based on said requirements but Leymann discloses a messaging system wherein sending message to subscribers of a collection of message-subscription-request is old and well known (see claim 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the request collection for groups of subscribers as thought by Leymann into the system of Takekuma because it would transform a message subscription into a specific data representation for instance in terms of the amount of data to be stored or in terms of performance to process a later query for that data.

As per claim 2, neither Takekuma nor Leymann discloses a method for processing formation and sale of merchandise by means of a network that include annoying problems concerning said merchandise and information which make the merchandise more attractive, in listening to requests of said indefinite number of users but it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the same means of collecting a request for individuals addressing merchandise problems instead of group request as taught by Leymann for the same reasons given in claim 1.

As per claim 3, Takekuma discloses a method for processing formation and sale of merchandise wherein said image disclosure step forms said merchandise image using images, features and properties that cover comprehensively the information having contents that satisfy the requests from said indefinite number of users (col. 27, [0367]-[0368]).

As per claim 4, Takekuma discloses a method for processing formation and sale of merchandise means a network wherein said merchandise image in said appeal for public

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subscription step formed using computer graphic, and finds an agreement or of views via said network (pages 2-3, [0027]).

As per claim 5, Takekuma's system is capable of processing formation and sale of merchandise by means of a network wherein image disclosure step conducts simulation experiment for said merchandise with respect to both of hardware and software as claimed.

As per claim 6, neither Takekuma nor Leymann discloses a method for processing formation and sale of merchandise by means a network wherein said manufacture formation step and said progress status disclosure step disclose the manufacture or formation process of said merchandise, and when a request for specification change arises from said subscriber, the original image is changed to a completed image estimated as of the date of the request, disclose estimated result, differentiation effected finding acceptable compromise but it is old and well known in the art that any changes made to an order would have to be estimated as of the date of the request as claimed because it would allow any employee of the plant to go back to the record and see what was done or requested by the customer.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

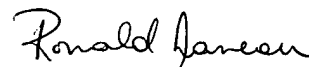
- Wilf et al (US 5,899,980) disclose a retail method over a wide area network.
- Coburn et al (US 6,618,856 B2) disclose a simulation method and apparatus for use in enterprise controls.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau  
Examiner  
Art Unit 3627

6/6/05

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